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IN THE COURT OF APPEAL OF THE STATE OF CALIFORNIA

FOURTH APPELLATE DISTRICT

DIVISION THREE

In re CLARISSA R. et al., Persons Coming
Under the Juvenile Court Law.

ORANGE COUNTY SOCIAL SERVICES
AGENCY,

Plaintiff and Respondent,

v.

ELIZABETH C.,

Defendant and Appellant.

G049304

(Super. Ct. Nos. DP023320 &
DP023321)

O P I N I O N

Appeal from an order of the Superior Court of Orange County, Dennis J.
Keough, Judge. Affirmed.

Kathleen Murphy Mallinger, under appointment by the Court of Appeal, for
Defendant and Appellant.

Nicholas S. Chrisos, County Counsel, Karen L. Christensen and Jeannie Su,
Deputy County Counsel, for Plaintiff and Respondent.

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In the prior appeal in this case, Elizabeth C. (mother) contended the juvenile court erred in denying her request to renew her restraining order against Antonio R. (father) and instead issuing a stay-away order directing father not to have any contact with mother or to attempt to locate her or their two minor daughters. We affirmed the order. (*In re Clarissa R.* (Jan. 21, 2014, G048455) [nonpub. opn.], at pp. 2, 7, 15 (*Clarissa I*).)

Before we filed our opinion, the juvenile court held a six-month review hearing during which it granted sole legal and physical custody of the children to mother and terminated the dependent child proceedings. Mother then asked how she was “to inform father of the important decisions [as ordered by the court] . . . because I know there’s still a stay-away order,” the court instructed her to “notify father of milestones in [the] childrens['] lives” by way of an Internet program.

Mother contends the court erred by not mentioning the stay-away order in its exit orders. But her failure to object to this omission waives this claim on appeal. (*In re Dakota S.* (2000) 85 Cal.App.4th 494, 501-502.)

Mother maintains “[t]he issue of the stay-away orders was clearly under consideration . . . because . . . [all parties] agreed the parents should communicate via a confidential system that would prohibit the father from learning the mother’s address.” The *issue* may have been under consideration but its *omission* from the exit orders was not. As the party claiming error, it was mother’s burden to preserve the issue by presenting it to the juvenile court in the first instance. (*In re Dakota S.*, *supra*, 85 Cal.App.4th at pp. 501-502.)

Moreover, nothing in the record indicates the stay-away order was terminated. County counsel asked when the stay-away order expired, while minors’ counsel stated she “would assume it would just extend at least through the length of this case.” But the court never provided an answer, implying it remained in effect until otherwise ordered by the court or expired under a particular statute. (See, e.g., Fam.

Code, § 6345, subd. (c) [“failure to state the expiration date on the face of the [stay-away order] form creates an order with a duration of three years from the date of issuance”]; Welf. & Inst. Code, § 213.5, subd. (d) [restraining order to “remain in effect, in the discretion of the court, no more than three years, unless otherwise terminated by the court, extended by mutual consent of all the parties to the restraining order, or extended by further order of the court on the motion of any party to the restraining order”].)

DISPOSITION

The order is affirmed.

RYLAARSDAM, ACTING P. J.

WE CONCUR:

FYBEL, J.

IKOLA, J.